

DEC 2 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ZHENYA SIPOYAN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-73117

Agency No. A098-515-923

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted November 18, 2014**

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Zhenya Sipoyan, a native and citizen of Armenia, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

abuse of discretion the denial of a motion to reopen. *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in denying Sipoyan's motion to reopen for lack of prejudice, where Sipoyan concedes that she was ineligible for adjustment of status at the time of her hearing. *See id.* at 793-94 (prejudice results when counsel's performance was so inadequate that it may have affected the outcome of the proceedings). Therefore, we need not address Sipoyan's contention that she was entitled to equitable tolling of the filing limitations applicable to her motion.

PETITION FOR REVIEW DENIED.